

IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF GEORGIA
DUBLIN DIVISION

FILED
U.S. DISTRICT COURT
NOV 16 PM 3:56

MICHAEL TYRONE ADAMS,)

Petitioner,)

v.)

UNITED STATES OF AMERICA,)

Respondent.)


CASE NOS. CV309-001
CR305-024

O R D E R

Before the Court is the Magistrate Judge's Report and Recommendation (Doc. 10), to which no objections have been filed. After a careful review of the record in this case, the Court concurs with the Magistrate Judge's Report and Recommendation. Therefore, the Court **ADOPTS** the Report and Recommendation as its Opinion in this case. Petitioner's sentence in the underlying criminal case, 3:05-cr-024, is **VACATED** and an identical sentence is **REIMPOSED**. The Clerk of Court is **DIRECTED** to construe Petitioner's Motion for Leave to Appeal (CV309-001, Doc. 16; CR305-024, Doc. 181) as a Notice of Appeal of his reimposed sentence. Pursuant to Federal Rule of Appellate Procedure 4(b)(2), the Notice of Appeal is deemed filed after entry of and on the same date as the reimposed sentence. Petitioner's Motion to Appoint Counsel is **GRANTED**. (CV309-001, Doc. 16; CR305-

024, Doc. 181.) Mr. O. Hale Almand, Jr. shall continue to represent Petitioner during the appeal of Petitioner's sentence. The Clerk of Court is DIRECTED to CLOSE THIS CASE.

SO ORDERED this 16th day of November, 2009.



WILLIAM T. MOORE, JR., CHIEF JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA